

REMARKS

Reconsideration of this application, as amended, is requested. Claims 1, 8 and 12-25 remain in the application. Claims 8 has been amended to define the invention more clearly.

The office action states that claims 1, 8 and 12-21 are rejected under 35 USC 102(e) as being anticipated by the previously cited U.S. Patent No. 6,635,041 to Popp et al. "for the reasons of record" and for the reasons presented in the Response to Arguments. There the Examiner merely asserted that claim 2 of Popp et al. shows leg elastic members 58 that diverge away from one another, while FIG. 1 of Popp et al. was alleged to show that the portion between the leg elastic members "bulges outward in a divergent raised portion."

The applicants respectively traverse the rejection based on Popp et al. As noted previously, the Popp et al. reference is directed to an absorbent garment with asymmetrical leg elastic tension. More particularly, the Popp et al. absorbent garment has three left leg elastic members 58 and three right leg elastic members 58 disposed adjacent the left and right edges of the garment. The leg elastic members 58 are configured, as their names imply, for elastically engaging portions of the respective left and right legs adjacent to the torso. Each of the leg elastic members has a linear portion and front and rear divergent portions. The Popp et al. reference does not comment on the formation of divergent raised portions. However, the Examiner now refers to FIGS. 1 and 2 of Popp et al. to support the Examiner's interpretation of the Popp et al. reference set forth in the office action of April 11, 2007. With respect to the Examiner's comments regarding FIG. 2 of Popp et al., the applicant does not dispute that the Popp et al. reference has leg elastic

members 58 that diverge away from one another. An acknowledgement of this teaching of Popp et al. is set forth in the paragraph bridging pages 7 and 8 of the Amendment that was mailed to the United States Patent and Trademark Office on July 11, 2007. The applicants respectfully disagree with the Examiner's conclusions regarding the teaching of FIG. 1 of Popp et al. and the relevance of any disclosure that may be gleaned from FIG. 1 of Popp et al. FIGS. 1 and 2 of Popp et al. appear to be intended to depict the garment while the garment is being worn. However, all of the claims clearly define the linear raised portion as being formed "by an action of a contractile force in said approximately linear portion and independent of any forces exerted by a wearer." It is not at all clear that FIG. 1 depicts a linear raised portion, and there is certainly nothing in Popp et al. to indicate that any raised portion that arguably is shown in FIG. 1 is formed "by an action of a contractile force in said approximately linear portion and independent of any forces exerted by a wearer." It is noted with due respect that a reference applied to a claim under 35 USC 102 must be enabling for the claimed subject matter. Nothing in Popp et al. is enabling for the very clearly defined limitation of the primary elastic members having an approximately linear portion in an approximately lateral central zone and keeping such a constant distance from the other primary elastic member as to allow a central zone of a skin-side surface "between said right and left primary elastic members to be formed as a linear raised portion by an action of a contractile force in said approximately linear portion and independent of any forces exerted by a wearer." Furthermore, the divergent portion of the elastic members is not shown at all in FIG. 1 of Popp et al. and hence no conclusion can be drawn from FIG. 1 regarding the existence or non-existence of a divergent raised portion by an action of contractile force in said divergent portion. For these reasons, it is

submitted that claims 1, 8 and 12-21 are not anticipated by Popp et al. It is noted that Popp et al. is not applied to claims 22-25.

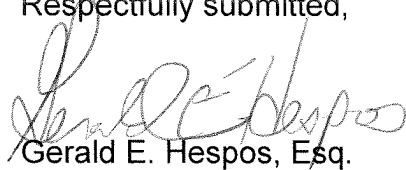
Claims 1, 8, 12-17, 20 and 20-25 were rejected under 35 USC 102(b) as being anticipated by the newly cited U.S. Patent No. 6,210,387 to Rudberg et al.

The Rudberg et al. reference discloses an absorbent article with a cover 3 and an absorbent body 2 that includes absorbent layers 10 and 11. Rudberg et al. also teaches a pair of elastic threads 14. The elastic threads 14, are provided "on both sides of the absorbent body" (col. 3, lines 38-48 and FIGS. 1-3). Specifically, each of the elastic threads 14 is not provided inwardly of the sides of the absorbent body, but rather is outside the absorbent body 2. Thus, the elastic threads 14 of Rudberg et al. serve as leg elastics and also form a leakage preventing bowl (col. 4, lines 30-32).

In contrast to Rudberg et al., the approximately linear portions of the primary elastic members are placed in an approximately laterally central zone of the cover sheet inwardly of the opposite first and second sides of the absorbent body. As a result, this unique construction allows a central zone of a skin side surface of the cover sheet to be formed as a linear raised portion which urges the absorbent body into contact with a crotch portion effectively. The elastic threads 14 of Rudberg et al. cannot allow the cover seat to be formed into such an effective linear raised portion because they contract outside the absorbent body. To the contrary, the leakage preventing bowl of Rudberg et al. would appear to be the exact opposite of the claimed invention. Accordingly, it is submitted that the invention defined by claims 1, 8, 12-17, 20 and 22-25 are not taught or suggested by Rudberg et al.

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter, and allowance is solicited. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald E. Hespos", is written over the printed name.

Gerald E. Hespos, Esq.

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